

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID FLOYD,
Plaintiff,

V.

LT. OLSHEFSKI, *et al.*,
Defendants.

3:13-cv-578

(Judge Mariani)

ORDER

AND NOW, this 26th day of March, 2015, in accordance with the Memorandum

issued this date, **IT IS HEREBY ORDERED THAT:**

1. Defendants' motion to dismiss and for summary judgment, (Doc. 34), is **GRANTED** in part and **DENIED** in part.
2. Defendants' motion to dismiss Plaintiff's excessive force claim relating to the August 24, 2011 incident is **DENIED**.
3. Defendants' motion to dismiss Plaintiff's conspiracy claim is **GRANTED**.
4. Defendants' motion for summary judgment is **DENIED** without prejudice with the right to renew the motion at a later point in the process of this case.
5. Defendants shall answer the remaining claims in Plaintiff's amended complaint within thirty (30) days of the date of this Order.

For: Guarnieri

Robert D. Mariani
United States District Judge